

# The Daily Clarion.

By H. Barksdale, J. L. Power, Harris Barksdale.

TUESDAY -- JANUARY 4, 1876.

## Discussion Closed.

We have on hand several communications advocating the nomination for the U. S. Senate, of gentlemen whose claims have been fully discussed in our columns. The Legislature is now in session, and the friends of the candidates will see the propriety of closing our columns to the discussion.

A NUMBER of faces, heretofore familiar in this city at the meeting of the Legislature, are joyfully missed at this time from their accustomed haunts.

It will be borne in mind that Gov. Hendricks, of Indiana, has accepted an invitation to deliver the annual address at the Southern States' Exposition in New Orleans on the 26th of February.

A CORRESPONDENT gives good reasons for urging the Legislature to lop off the office of County Attorney from the body politic fastened upon it, with other excrescences, under the Radical regime.

In the list of the outrage committee at Washington, we observe the names of several who played the same role in 1868, after the defeat of the iniquitous constitution framed by the carpet-baggers that year. They are old hands at the business.

As the Senator to be elected by our incoming Legislature, does not take his seat until 1877 (the beginning of another Congress,) Morton's pretense for his resolutions to investigate the recent election is rather thin. It is for effect in the Presidential election. When the time comes for the new Senator to take his seat, it is probable Morton will have found out that the bloody shirt is not a winning card.

The Vicksburg Herald insists that the "initial proceeding" which culminated in the November victory, "was at Vicksburg, in August, 1874, when the citizens of Vicksburg gloriously overturned the rottenest Radicalism that ever cursed a city." Very well, brother Herald, we'll quarrel about the way it was done. It is sufficient for us to know that it was done, and done well. The Taxpayers' Convention blazed out the reforms that are needed, and this is the idea which we designed to convey.

We would remind our friends who are saying ominously, "If Ames is impeached, 'ed' hell will be raised at Washington," that four weeks before the Mississippi Legislature assembled, Ames' outrage committee was on duty in Washington—that Morton had put on his war-paint and introduced his resolutions of investigation. No, gentlemen, you are not going to secure immunity from Radical meddling into your affairs by leaving Ames in the Executive office to continue his "crimes and misdemeanors." The war dogs are already on your track. The bloody shirt is to do duty in the approaching canvass, do what you may.

## Test of Eligibility to the Democratic-Conservative Caucus.

Did you vote the Democratic (or Conservative) ticket at the late election? Will you pledge yourself to stand by and carry out the decisions of the caucus as to men and measures?

Will you pledge yourself to vote the Democratic ticket at the approaching Presidential election?

## The Taxpayers' Address.

An important feature of the great Reform movement which culminated in the splendid victory of November, was the Taxpayers' Convention, and its address of January, 1875; the Radical Legislature then in session paid but little heed to the recommendations and appeals of the taxpayers, who took the matter in hand and elected a body pledged to the policy they advised. The Legislature will assemble to-day, and we have reproduced it in our present number for the calm consideration of its members.

## RADICALISM.

The crowning infamy of Radicalism in South Carolina was the recent election of notorious corruptionists and ignoramus of both races, by the Legislature, to fill the Judicial offices of the State. On the highest eminence of this infamy was the choice of Whipper, (ignorant and dishonest negro,) and Moses, (corrupt and knavish scallawag,) for Supreme and Circuit Judges. Gov. Chamberlain, himself a Republican, said of their election: "The calamity is infinitely greater, in my judgment, than any which has fallen on this State, or, I might add, upon any part of the South." In very shame, the Governor hunted up a pretext for withholding commissions from these notorious characters. Nevertheless the foul blot of their election remains. Not all the waters of the ocean can wash it away.

## THE QUESTION OF IMPEACHING GOVERNOR AMES.

Notwithstanding the wrongs which the people of Mississippi have suffered at the hands of Gov. Ames—his ignorance, or contempt, or both, of the Constitution when it has stood in the way of his conspiracies against them whether originating in ambition or malice purely—his gross maladministration which no one outside his clan of office-holders denies—it is sometimes urged that unless a case can be made out against him which would subject him to criminal prosecution and conviction before the Courts for some such infamous crime as felony, arson, murder, and the like, he ought to be permitted to escape the punishment (of removal from office) made and provided in the Constitution expressly for such offenses as he has notoriously committed. Assuming his guiltiness of these offenses, which are as palpable as that the sun gives light by day and the moon performs her offices by night, we will proceed to cite the highest Republican authorities and apply them to his case.

WHAT BENJAMIN F. BUTLER SAID.

Manager B. F. Butler, in his argument on the impeachment of President Johnson, speaking of the remedy by that procedure prescribed by the Constitution, said:

But a single incident only of the business (of impeachment) was left to construction, and that concerns the offenses or incapacities which are the groundworks of impeachment. This was wisely done because human foresight and human intelligence fail in the task of anticipating and providing for by positive enactment all the infinite gradations of human wrong and sin by which the liberties of a people and the safety of a nation may be endangered from the inebriety, corruption, and unwholesome ambition of its rulers. (Imp. of Andrew Johnson, 1 p. 88.)

Having laid down this undeniable proposition, Manager Butler proceeded, as follows, to define

WHAT ARE IMPEACHABLE OFFENSES.

We define, therefore, an impeachable high crime or misdemeanor to be one in its nature or consequences subversive of some fundamental or essential principle of government, or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty, by an act committed, or omitted, or without violating a positive law, by the abuse of discretionary powers from improper motives, or from any improper purpose. (Manager Butler, same vol. & p.)

WHAT ARE HIGH CRIMES AND MISDEMEANORS?

But a great burthen is made of the words high crimes and misdemeanors and it is thought to be monstrous that an official who is not charged with such indictable offenses as highway robbery, arson, murder, treason, and the like, should be arraigned on the accusation of "high crimes and misdemeanors." Now, what are the offenses known as "high crimes and misdemeanors" for which the Constitution says the Governor "SHALL" be removed from office, etc. Fortunately the researches of Manager B. F. Butler, have left nothing to doubt, or construction even, on this head. He says:

It is but common learning that in the English precedents, the words high crimes and misdemeanors are universally used; but any malversation in office, highly prejudicial to the public interest, or subversive of some fundamental principle of government by which the safety of a people may be in danger, is a "high crime" against the nation as the term is used in parliamentary law.

Mr. Christian, in his notes to the Commentaries of Blackstone, explains the collocation and use of the words "high crimes and misdemeanors" by saying:

When the words "high crimes and misdemeanors" are used in prosecutions by impeachment, the words "high crimes" have no definite signification, but are used merely to give greater solemnity to the charge. (Impeachment trial, vol. 1, p. 88-9.)

And Manager Butler, for the purpose of strengthening this interpretation and showing that it was designed to be placed on the terms employed in the Constitution, quoted the following words of James Madison:

The danger consists in this: That the President can displace from office a man whose merits require he should be continued in it. In the first place he will be impeachable by the House for such an act of maladministration, for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust.

MUST A CRIME TO BE IMPEACHABLE BE OF A NATURE TO SUBJECT THE OFFENDER TO CRIMINAL PROSECUTION?

Clearly not. As we have before said, such position is contrary to the common sense of the thing, as well as contrary to the law of the thing, and it was to this very point Manager Butler directed his argument when he said:

Is this proceeding (prosecution by impeachment) a trial, as that term is understood, so far as relates to the rights and duties of a Court and jury upon an indictment for crime? Or is it not rather in the nature of an inquest of office? The Constitution seems to have determined it to be the latter, because under its provisions the right to retain and hold office is the only subject that can be finally adjudicated. (p. 89.)

And Manager Butler proceeded to demonstrate so clearly that the feeblest intellect could discern, the wide difference between a prosecution by impeachment and an ordinary criminal procedure in the Courts for an indictable offence, and this was the conclusion which he announced:

A constitutional tribunal solely, you (the Senate) are bound by no law, either statute or common, which may limit your constitutional prerogative. You consult no precedents save those of the law and customs of parliamentary bodies. You are a law unto yourselves, bound only by the natural principles of equity and justice and that *salus populi suprema est lex*—THE SAFETY OF THE PEOPLE IS THE HIGHEST LAW. (p. 90.)

These principles were applied to the case of President Johnson when he was impeached of "high crimes and misdemeanors" by the entire Republican vote in the House of Representatives. On the trial, the vote stood for conviction, 35, to 19 against. The alleged offenses of President Johnson consisted of his attempt to remove Stanton, a member of his cabinet, and to appoint Thomas in his place in violation of the tenure-of-office act—his attempt to induce Gen. Emory, commander of U. S. forces at Washington, to obey the orders of the President without reference to the General of the Army—and of his speeches, criticism and ridiculing the Congress of the United States. These alleged offenses compared to Ames' crimes were as mole hills to mountains.

Now, apply the principles laid down by Manager Butler in his prosecution of President Johnson to the case of Gov. Ames, and how can impeachment and conviction be avoided? Says Butler an impeachable high crime or misdemeanor "may consist of a violation of the constitution, of law, of an official oath, or an act committed or omitted, or even without violating a positive law, by the abuse of discretionary powers, 'etc.' "Any malversation in office" (continues this distinguished Republican authority) "highly prejudicial to the public interest, or subversion of some fundamental principle of government" "is a high crime" punishable with impeachment and removal.

Ames has "violated the constitution" by subordinating the civil to the military authority by organizing troops in a manner unauthorized by the constitution and parading them over the country with all the paraphernalia of war to intimidate and overawe the people and to produce riot and bloodshed; by counseling and prompting Crosby to usurp the functions of an office which he had resigned after forfeiting his right to hold it; by authorizing pretended officers of militia to abet the said Crosby in his illegal designs with the mob and thus to produce war between the races avowedly for the purpose of shedding blood that partisan ends might be attained; by keeping troops in time of peace without the consent of Congress.

By using the troops so organized in violation of the Constitution of Mississippi, when there was no "insurrection" to "suppress" nor "invasion" "to repel." By calling on the President for Federal troops in a manner (according to the opinion of the President and the Attorney-General of the United States) unauthorized by the Constitution, and bringing scandal, derision and reproach upon the State, to the disturbance of her peace, the tarnishment of her good name, and the disgrace of the high office which he holds.

By treating with contempt the prerogatives of the Senate, which, by the constitution, is made co-ordinate with the Executive in the appointment of Judges. By attempting to influence the decisions of Chancellors and making their confirmation depend upon their servile compliance with the will of the Executive, and thus usurping the functions of the Judiciary in defiance of the constitution, which requires that the several departments of the government shall each be independent of the others.

By the arbitrary removal of Judges in a manner not authorized by the Constitution.

By appointing members of the Legislature to offices of emolument under laws created, not only during their term of service, but by their votes.

By "omitting" to discharge the duties of the Executive office, and leaving them for long periods to be performed by the Lt.-Governor, thus making a rule of what was clearly intended to be an exception by the framers of the constitution and rendering nugatory the laws for the punishment of crime in the abuse of the pardoning power by that officer to the scandal of the State and detriment of her citizens.

In his argument above recited, Manager Butler declared the remedy of impeachment for abuse of the powers of the Executive office by its incumbent, to be "conservative, effectual and practical." If the crimes of Gov. Ames do not call for the prompt application of the "remedy," how is it possible for such a case to arise?

In another column will be found a letter from Hon. A. G. Brown, defining his attitude with reference to the Senatorial election.

## THE LEGISLATURE.

The assembling of the Legislature to-day, (the 4th,) and the installation of the new county officers on yesterday, (the 3d,) mark a new era in the history of Mississippi. It is an occasion of genuine thanksgiving. The condition of her people in the light of these memorable events, may be likened to the experience of the mariner who lands safely on hospitable shores amid the greetings of friends, after having encountered the perils of darkness and storms and shipwreck.

It is no vain boast to say that the Legislature now assembled has never before surpassed in the qualities of integrity, capacity and patriotism, by any similar deliberative body which has ever before assembled within the walls of the Capitol. Its opportunities for service to the people are great. They are commensurate with the evils which unexampled maladministration has brought upon the State. That the Legislature will conscientiously address itself to the important work, there need be no apprehension. That it will be faithful in redeeming its promises, there need be no doubt. The scalpel will be applied with no trembling hand to the excrescences which require to be lopped off from the body politic, before there can be a healthy recuperation and development of the system. It will be just in its actions. The evil-doers and adventurers in office who have abused their trusts, will be held to strict accountability. The colored people, who have been deluded by the false cry that a Democratic and Conservative victory meant legislation unfriendly to, and discriminating against, their race will be undeceived. The very cornerstone of the Democratic creed is equality of civil and political rights to all men of every race, color, clime and nativity.

The Auditor of Public Accounts in his report to the Legislature of January 1st, 1874, bore terrible witness to the folly of Radical misrule when he reminded that body that in no year, since reconstruction, had the receipts (notwithstanding exorbitant taxation) reached the appropriations, but that, on the contrary, "the appropriations had far exceeded the receipts, so that year by year a debt of considerable magnitude has been accumulating." The miserable legacy created by this vicious and profligate system of legislation, has been left on the hands of the present Legislature, and will require to be dealt with. God speed them in the important mission which they have been called to fulfill.

## THE SENATORIAL ELECTION.

### The Time and Manner of Holding It.

The law of Congress requires that the election of Senator in each State shall be held on the 2d Tuesday after the meeting of the Legislature. The Mississippi Legislature meets to-day, Tuesday, 4th of January. Consequently the election will be held on the second Tuesday from that day, viz., the 18th of January. The law also regulates the manner of holding the election. It is as follows:

SEC. 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress. (25 July, 1866, c. 245, s. 1, v. 14, p. 243.)

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so named shall be received a majority of the whole number of votes cast in each house, shall be entered on the journal of that house by the clerk or give such majority on that day, the fact shall be entered on the journal. At twelve o'clock, meridian, on the day following, that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if of the votes in each house, or if either house has failed to take proceedings as required by the section, the joint assembly shall then proceed to choose by a viva voce vote of each member present, a person for Senator of all the votes of the joint assembly, a majority being present and voting, shall be such majority elected. If no person receives such majority on the first day, the joint assembly shall meet at twelve o'clock, meridian, of each succeeding day, during the session of the Legislature, and shall take at least one vote, until a Senator is elected. (25 July, 1866, c. 245, s. 1, v. 14, p. 243.)

At a reasonable time before the day fixed for the election, the Democrats and Conservatives will, no doubt, meet in caucus and select a candidate who will receive the entire vote of the party. They have won the fight, and they alone are entitled to be consulted in the choice of officers to be elected by the Legislature, especially as they will be held responsible to the people for the use made of the victory.

GEN. DICKEY (Democrat), independent candidate for Supreme Judge in the 7th Illinois District, at a special election the other day, was successful over H. B. Hurd, Republican nominee, by 6,000 majority.

## The Trail of the Serpent.

The Washington correspondent of the N. Y. Herald says that "the Southern troubles will come up in force in Congress after the holidays. Senator Morton is determined to investigate Mississippi, and a number of Ames' men are here to prompt him. He means to carry his resolution for an investigating committee through the Senate, etc., etc."

Whoever before heard of a Governor of one of these States organizing a conspiracy against its peace and integrity, and deliberately plotting to set aside its election by federal interference because it did not happen to result favorably to his party? Suppose Gov. Allen, of Ohio, after his defeat, had turned his face to Washington and put on foot a similar scheme with reference to the Ohio election, how loud and deep would have been the curses heaped upon his head? To what an eminence of infamy he would have been hoisted!

## "Out of Meat."

Chicago Times.]

Senator Bayard asked Morton, on yesterday, where he found his constitutional authority for investigating a State election which had not in any legal shape come before Congress. The question was scarcely worth the asking. Limits of constitutional authority will not stop the majority of the Senate in a case of this kind. A presidential election is at hand, and the Republicans want outrages. They can't well get along without them. Like the boy at the wood-chuck hole, who, when asked if he thought he would get his game, responded: "Thank! by G-d, I must have him; we're out of meat!" the party is a little short of appetizing outrages just now, and constitution or no constitution, the Mississippi woodchuck must supply them. They are out of meat.

## Give us a Decent Judiciary.

We respectfully call the attention of the members of the incoming Legislature to the following clause in the State Constitution, which will enable them to dispose of the sum that now cumber the bench, in this State, as well as the superfluous Chancellors and Circuit Judges who will be thrown on their hands under the new district printing bill that will doubtless engage their attention at an early period in the January session:

"ART. IV, SEC. 31. For reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall, on the joint address of two-thirds of each branch of the Legislature, remove from office the Judges of the Supreme Court, and Inferior Courts; Provided, The cause or causes of removal be spread upon the Journal, and the party charged, be notified of the same before the vote is finally taken and decided, and shall have an opportunity to be heard by himself, or counsel, or both."

The foregoing is from the Aberdeen Examiner. The remedy suggested would be complete and effectual, but we submit that its application will be an unnecessary consumption of time, as the Chancellors will all go out of office by virtue of the Constitutional amendment, and the terms of the Circuit Judges will expire within a very short time. The matter that we trust will most engage the attention of Legislators, will be the securing of worthy and competent appointments during the next term, and the way to that end is as plain as the road to market.

We learn that the citizens of that portion of Benton county which embraces Cornersville and its vicinity, and was taken from Marshall, propose to petition the Legislature to restore them to the latter county. The law detaching them from Marshall, and which subjects them to great inconvenience, was passed by a corrupt Radical Legislature, solely for political purposes, and without the consent or knowledge of those concerned. We trust our present Legislature will redress this wrong.—Holly Springs South.

This reminds us that a great deal can be done in the way of undoing Radical gerrymandering with various counties, and restoring boundaries to proper and convenient lines. The Legislature is expected to do this; and especially to secure to each county at least one Representative in the Legislature.

In a card to the Times, Rev. H. R. Revels reiterates the statements touching carpet-bag misrule in this State, contained in his recent published letter, saying:

I wrote what I then believed to be true and still believe to be true and can with equal regard for truth and good government add much of the same character therein referred to, but charity bids me spare them the exposure, and I yield to its admonitions.

In the absence of Hon. W. G. Harper, the Raymond Gazette will be under the editorial management of his son, Sam'l D. Harper, the present assistant editor of the paper.

We notice that Col. A. P. Huggins, of Monroe, has been dropped from the roll of postoffice agents. It is said that he went "crooked" at the late election.

## Gil. Haven a Miscegenation.

From the Church Journal.] A sensation has been created (Northern) Methodist "Bible" acquaintance with him was on occasion of his delivery, some years ago, of a sermon on "Miscegenation," intermarriage of white people and negroes. He strongly advised, measure, not only on physiological grounds, but on moral and Methodist grounds, and handled the discussion with familiarity (physiology and the like) gave his hearers and readers the notion of feeling that he had touched the subject.

This is the man who has made famous by securing a reconvened Gen. Grant for a third term in the National Convention in Boston, of the missionaries sent down "Hub" to enlighten the Southern and his present local habitation (lieve) is Atlanta, Georgia.

THE St. Louis Republican averages sentiment of the country, it says that the "Ames dynasty" literally a stench in the nostrils. Then why not abate the nuisance? Ben. Butler calls the "conservative and practical" process of peachment.

CAPT. H. T. FISHER was at the election. He was beaten in this county, thought will be made all right by office agency.

GOV. KEMPER, of Virginia, mends the exemption from tax a limited time, of the property grants and of capital invested in facturing.

SUBSCRIBE FOR THE DAILY CLARION. Letter from Hon. A. G. Brown. The Senatorial Election.

TERRY, HINDS CO., N. C. Jan. 1st, 1876.

To Hon. E. Barksdale: DEAR SIR: I have seen the communications in THE CLARION, my name, in terms more or less, as a candidate for the Senate. However thankful for the expressions of partiality, I have no time, felt called upon to make response.

Yesterday I saw in THE CLARION, and read for the first time to the same effect, passed by the "Democratic-Conservative" in this place, on the 18th. These coming, as they do, from my neighbors, require, as it seems to me, should speak, or tacitly consent understood. I wish, then, to state that I am not, have not been, intended to be, a candidate for the office for anything else.

While returning my grateful acknowledgments to the authors and supporters of resolutions, I beg to assure them, been entirely sincere in the decision often made to them, and which I repeat to the public, that my mind long since made up, never again for anything else.

I have the liveliest and most grateful recollections of the past. The past denied me anything. If, therefore, accidents of life, they should be upon me to serve them in any way, will obey. But I have nothing to say. It is seldom, indeed, that a voice of the people to return, will, to public life. I have no doubt that I shall be treated with great consideration, in this regard, than has been, and I have no desire that it should be so.

One anxious wish lies near that, that my party friends, all the pledges made by them, canvass, in good faith, and will. This being done, the prosperity of the State is assured. Others, then, the offices. I will be content with a private station in the post of life. Very truly, your obedient servant, A. G. B.

THE People and the Legislature. TIPPAN CO., MISS. DEAR ED. CLARION: The eager people are now turned to the Legislature with longing anxiety to learn of their deliberations. The Legislature of Gov. Ames, the election of a Senator, and the thousand and one reforms in our State government, being talked of with uncommon interest in these parts, and, in fact, throughout the country. We believe we have a body of legislators as can be found in the Union, and we bid adieu with patience. There will be some so much will urgently commend the retention of the Legislature—that notwithstanding all the talent and patriotism that will pervade that body, it will not reach completion of a single good or complete law, wholly meets the demands and of the people.

There is one very obnoxious law that must be instantly repealed, that is the Registration law, and if I would suggest that a poll-tax be taken as a certificate of legal right to vote; this will be going to the good old maxim of our revolutionaries who said that "taxation without representation was unjust," and vice versa law now stands hundreds, not at least of it, vote, who never have paid of tax to support the government, affords them protection, and education for their children. We think that this should not fail to pass.

ONE OF THE PEOPLE.